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HOUSE BILL 2143 By
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SENATE BILL 2646
By Crutchfield

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 23, to provide for the fair selection of news media representatives to attend the execution of a death sentence.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

WHEREAS, Tennessee Code Annotated, Section 40-23-116, provides that when an execution occurs, the Department of Correction shall permit up to seven (7) news media representatives to attend the execution and that lots shall be drawn, if necessary, to select the seven (7) representatives.

WHEREAS, on October 11, 1999, the Department conducted drawings to select media representatives from print, television, and radio to witness the execution of Robert Glenn Coe;

WHEREAS, in the drawing to select representatives from the print media, nine (9) out of eighteen (18) applications accepted by the Department were filed on behalf of one (1) individual who had allegedly been employed by nine (9) different newspapers to attend Coe's execution;

WHEREAS, by applying as the media representative of nine (9) different newspapers, that individual received an unfair advantage over other applicants and was selected as one (1) of the print media representatives to attend the execution;

WHEREAS, it was and is the intent of the General Assembly that the selection of media representatives be conducted in a fair and impartial manner and that the use of subterfuge to bias the selection process in favor of one (1) media outlet over others is inappropriate and inconsistent with the importance and solemnity of the act of execution; therefore,
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-23-116, is amended by adding the following language at the end of subsection (c)(3):

Each news media representative shall be a full-time employee of the media outlet he or she represents and no news media representative shall be named on more than one (1) application.

SECTION 2. Tennessee Code Annotated, Section 40-23-116, is further amended by adding the following new subsection (c)(4):

(4) The method for the selection of news media representatives at all executions in this state shall be conducted in a manner consistent with this subsection. If any drawing for news media representatives to attend an execution scheduled to occur more than five (5) days after the effective date of this act has been conducted in a manner inconsistent with this subsection, a new drawing for such execution shall be conducted that is consistent with this subsection.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.